

January 7, 2003

Andrea Cimino
9908 Killarney Lane, Apt. 101
Gaithersburg, MD 20877

Dear Ms. Cimino:

You recently wrote to Chairman Richard A. Meserve of the Nuclear Regulatory Commission (NRC) to express your concern about what you understand to have been the NRC's response to Senate bill 1746, the "Nuclear Security Act of 2002," and to outline what you believe to be the essential elements of strong nuclear security legislation -- a rigorous design basis threat (DBT) standard, strong enforcement of the standard, and involvement of experts, the public (to the extent permitted by national security), and other government agencies in the establishment of the standard. The Chairman has asked that I respond to your letter.

Because it appears from your letter that you have not seen the NRC's response to S. 1746, I have attached a copy of the NRC's August 27, 2002, letter to the Senate Committee that was then considering the bill. The letter indicates what parts of S. 1746 the NRC supported -- many of those provisions were ones that the NRC had been proposing for years -- and what provisions the NRC thought should be modified and why. I believe that the letter shows that the NRC, like you, seeks rigorous standards, established through wide involvement of persons outside the agency, and rigorously enforced. The Commission actively supports the enactment of legislation that will ensure the ability of its licensees to maintain effective security programs.

Though the passage of such legislation would be highly desirable, please be assured that the current NRC regulations pertaining to security at nuclear power plants already include requirements for a security program (described in Title 10, Code of Federal Regulations (CFR), Section 73.55) including the equipment and weapons carried by the guard force, fitness for duty (10 CFR Part 26), protection of sensitive information (10 CFR 73.21), and training and qualification of the security force members at the sites (10 CFR Part 73, Appendix B). In addition, since the terrorist events of September 11, 2001, the NRC has taken a number of steps to enhance the already high level of security at the plants. The NRC's actions have included issuance of orders in February 2002 formalizing certain actions as requirements, issuance of more than thirty advisories to the licensees to describe threat conditions or recommend additional measures, and issuance of an NRC Threat Advisory and Protective Measures System to respond to changes in the threat environment, and other actions. During

Andrea Cimino

- 2 -

2003, the NRC will continue to inspect the facilities to confirm the additional steps taken by the licensees in response to the orders.

Thank you for your interest in nuclear security. I hope this responds to your concern.

Sincerely,

/RA/

Roy P. Zimmerman, Director
Office of Nuclear Security and Incident Response

Attachment: As stated

2003, the NRC will continue to inspect the facilities to confirm the additional steps taken by the licensees in response to the orders.

Thank you for your interest in nuclear security. I hope this responds to your concern.

Sincerely,

/RA/

Roy P. Zimmerman, Director
Office of Nuclear Security and Incident Response

Attachment: As stated

DISTRIBUTION: Green Ticket #G20020706

PMDA r/f
W. Travers, EDO
C. Paperiello, EDO
W. Kane, EDO
P. Norry, EDO
J. Craig, EDO

S. Burns, OGC
K. Cyr, OGC
D. Wessman, IRO
S. Collins, NRR
C. Schum, EDO

R. Zimmerman, NSIR
M. Weber, NSIR
J. Davis, NSIR
J. Crutchley, NSIR

ADAMS ACCESSION NUMBER: **ML023580239 (package)**
ML023530032 (incoming)
ML023580248 (letter)

OFC:	NSIR:PMDA		NSIR:PMDA:C		OGC		NSIR:DIR	
NAME:	R. Rosano		J. Davis		L. Chandler		R. Zimmerman	
DATE:	12/30/2002		12/30/2002		12/31/2002 (e-mail)		1/7/2003	

C = COVER E = COVER & ENCLOSURE N = NO COPY OFFICIAL RECORD COPY